



PTO/SB/17 (07-06)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	620.00
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Complete if Known	
Application Number	09/890,425-Conf. #001812
Filing Date	February 19, 2002
First Named Inventor	Harold G. BROWN
Examiner Name	F. C. Prats
Art Unit	1651
Attorney Docket No.	2059-0103P

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
- =	x	=			50	25
HP = highest number of total claims paid for, if greater than 20.					200	100
Multiple dependent claims					360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- =	x	=			

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2801 Request for continued examination (RCE) (see 37 ... 395.00
2252 Extension for response within second month 225.00

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature		32,181	(703) 205-8000
Name (Print/Type)	Marc S. Weiner	Date	December 11, 2006



Docket No.: 2059-0103P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harold G. BROWN et al.

Application No.: 09/890,425

Confirmation No.: 001812

Filed: February 19, 2002

Art Unit: 1651

For: A PHARMACEUTICAL COMPOSITION OF
COMPLEX CARBOHYDRATES AND
ESSENTIAL OILS AND METHODS OF
USING THE SAME

Examiner: F. C. Prats

PETITION FOR REFUND OF FEES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request refund for the Notice of Appeal filed on August 9, 2006 and for the two month extension of time filed on December 11, 2006. Applicants filed a Reply on May 10, 2006. Since Applicants did not receive an Advisory Action, Applicants called Examiner Prats on several occasions. Since Examiner Prats did not return the calls of Applicants' Representative, a telephone call was placed to the Examiner's Supervisor on July 27, 2006. The SPE advised the undersigned that Examiner Prats was on detail elsewhere and that this case would be reassigned to another Examiner. Applicants' Representative pointed out that this unfair delay was causing a small entity to pay for unnecessary extensions of time. Applicants' Representative again contacted the SPE about this matter and subsequently left a voice-mail for Examiner Blane Lankford on October 11, 2006. Applicants' Representative contacted Examiner Lankford on November 9, 2006 who indicated that an Advisory Action was on the way. Examiner Lankford also agreed to conduct an interview after final due to the unfortunate delay at the USPTO. Applicants' Representative called and left messages for both Examiner Lankford and his SPE on December 11, 2006. No Advisory Action was shown to be mailed on PAIR. It

is respectfully requested that the USPTO acknowledge their lack of timeliness in handling this application by refunding the fees for the Notice of Appeal and for the subsequent two month extension of time.

In view of the fact that the USPTO has taken no action over the past seven months and since it is readily apparent that absorbing a third month extension of time would not result in movement of this application, Applicants had no choice but to file an RCE.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: December 11, 2006

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s)